

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LINDA JENICE BROWN, Personal
Representative of the Estate of
TIMOTHY ANTOINE CURRY, Deceased.

Plaintiff,

Case No. 04-70438

vs.

HONORABLE VICTORIA ROBERTS
HONORABLE STEVEN D. PEPE

TOWNSHIP OF CLINTON, et al.,
Defendants.

_____ /

MEMORANDUM OPINION AND ORDER

On March 15, 2005, Plaintiff filed a motion to compel. The motion has been adjourned twice at the request of the parties. The parties have since entered into voluntary dispute resolution, and have requested that several issues be deferred until that process is completed.

A telephonic hearing was held on May 20, 2005. The only issue remaining at this time concerns the psychological and personnel records of the late Officer Vauris. It is clear that the psychological records were seen by the officer's employer. Therefore, the records were not confidential, and are not subject to the *Jaffe* doctor/patient privilege. *See Phelps v. Coy*, 194 FRD 606 (S.D. Oh 2000).

On or before May 27, 2005, Defendant shall submit the psychological and personnel records to the undersigned for an in camera inspection regarding their relevancy.

Any party may file objections to this order within ten (10) days of service of this order pursuant to FED. R. CIV. P. 72(a) and Local Rule 72.1(d).

SO ORDERED.

May 23, 2005
Ann Arbor, Michigan

s/Steven D. Pepe
United States Magistrate Judge

Certificate of Service

I hereby certify that on May 23, 2005, I electronically filed the foregoing order with the Clerk of the Court using the ECF system which will send notification of such filing to the following: David Robinson and G. Gus Morris.

s/William J. Barkholz
Courtroom Deputy Clerk